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10 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 MOUSTAPHA MOUSTAPHA,

18 Defendant.
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20
21

No. CR 24-00168-MCS

GOVERNMENT'S STATUS REPORT
REGARDING PRODUCTION OF DISCOVERY
ON AUGUST 16, 2024

Hearing Date: September 3, 2024

Hearing Time: 3:00 p.m.

Location: Courtroom of the
Hon. Mark C. Scarsi

22 Plaintiff, United States of America, by and through its counsel
23 of record, the United States Attorney for the Central District of
24 California and Assistant United States Attorneys Colin S. Scott and
25 David C. Lachman hereby submits a Status Report Regarding Discovery
26 in this case.

27 On August 12, 2024, the Court held a status conference regarding
28 this matter and ordered the government to "produce materials relating

1 to the search warrant, CI parole paperwork, and the issue of
2 illegality by the end of the week." (Dkt. No. 59.) In accordance
3 with this order and its discovery obligations, the government has
4 reviewed its file and the files of the relevant agencies and produced
5 the following materials on August 16, 2024:

6 ***Confidential Informant ("CI") Discovery***

7 In response to defense counsel's requests, the government has
8 reviewed all communications between DEA and CI-1 and CI-2, as well as
9 the CI files, and has produced the following additional information:

- 10 • All previously unproduced written or recorded
11 communications with CI-1, including multimedia and image files sent
12 by CI-1 to DEA Special Agents, related to the subject matter of this
13 investigation or any benefits received by CI-1;
- 14 • All written or recorded communications between DEA
15 Specials Agents and CI-2 related to the subject matter of this
16 investigation or any benefits received by CI-2;
- 17 • Three DEA reports regarding CI-1; and
- 18 • CI disclosures for CI-1 and CI-2, including CI-1's parole
19 application.¹

20 ***Search Warrant Materials***

21 The government has reproduced an unredacted version of the
22 search warrant and search warrant application for defendant's Malibu
23 beach house. The government had previously produced a redacted
24 version of the search warrant application to defense counsel. The
25

26 ¹ The parole application indicates that the DEA moved to parole
27 the CI into the United States on May 7, 2024, and that AUSA Colin
28 Scott concurred with this application. The government believes this
concurrence was given in November 2023, before charges in this case
were brought.

1 government had also previously produced an unredacted version of the
2 initial complaint, which contains the same information as the
3 unredacted affidavit in support of the search warrant application, to
4 defendant's former counsel on February 13, 2024.

5 ***Cell-Site Data***

6 At the status conference on August 12, 2024, the government
7 believed, and thus represented to the Court, that it had produced all
8 cell-site data obtained in connection with this investigation to the
9 defendant. In response to the completeness issues raised by defense
10 counsel, the government discovered after the hearing that it had
11 produced the three cell-site warrant applications, a sting-ray
12 application and warrant, and certain historical cell-site data for
13 the December 2023 warrant requested by defense counsel on April 8,
14 2024. The government, however, had not produced prospective cell-
15 site data for the December 2023 cell-site warrant or any cell-site
16 date for the two February 2023 cell-site warrants. The government
17 obtained the missing cell-site data from the investigating agency on
18 August 15, 2024. The government has now produced all remaining cell-
19 site data, including historical and prospective cell-site data for
20 the December 2023 warrant and two February 2024 cell-site warrants.

21 ***Reports of Investigation***

22 The government represented to the Court on August 12, 2024, that
23 it had produced all the investigative reports in this matter. After
24 directing the DEA to re-review its file, however, the government
25 received five additional investigative reports on August 14 and 15,
26 2024. These reports pertain to: (a) the return of a grand jury
27 indictment on March 12, 2024; (b) the review of defendant's phone
28 following his proffer and consent to search his digital device on

1 February 29, 2024; (c) the seizure and laboratory testing of packages
2 destined for Australia in January 2024; (d) a controlled delivery
3 operation by Australian law enforcement authorities of packages
4 shipped from the United States to Australia; and (e) Australian law
5 enforcement's laboratory testing of the methamphetamine contained in
6 packages shipped from the United States to Australia. The
7 information described in the latter two reports was previously
8 provided to the defendant in other reports or the complaint.

9 ***Defendant's Cell Phone Data***

10 The government has also produced two Cellebrite reports
11 containing defendant's communications with CI-1 and evidence of
12 defendant's drug trafficking activities. These materials are a
13 subset of the full Cellebrite extraction of defendant's phone
14 previously produced to defense counsel on August 8, 2024.

15 ***Other Information***

16 Since the August 12, 2024, status conference, the government
17 received and has produced the following materials: (a) criminal
18 history reports; (b) the rental agreements for the Malibu property

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1 where the drugs and guns were found; and (c) the receipt for the
2 Marina del Rey Airbnb apartment where defendant was arrested.

3 Dated: August 16, 2024

Respectfully submitted,

4 E. MARTIN ESTRADA
United States Attorney

5 CAMERON SCHROEDER
6 Assistant United States Attorney
7 Chief, National Security Division

8 /s/

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